

Notice of Allowability

Application No.

10/664,703

Applicant(s)

HOLMES, ERIC

Examiner

Art Unit

Michael P. Ferguson

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 August 2006 interview, 29 June 2006 amendment.
2. ☒ The allowed claim(s) is/are 1-9, 30-33, 35-39, 41-46, 48, 49 and 51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08/29/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

Examiner notes that previously withdrawn claims 5,6,9,44 and 49 depend from allowable generic claims 2,3,8,41 and 48, respectively. Accordingly claims 5,6,9,44 and 49 have been rejoined.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John James McGlew on August 29, 2006.

The application has been amended as follows:

In the abstract, in line 1 before "with a joint" deleted "The invention pertains to a ball-and socket joint for motor vehicles, " and replaced with --A ball-and-socket joint for motor vehicles provided--.

In claim 1, in line 11 before "molded on said housing" deleted "molded material" and replaced with --a molded material part comprising an integral single molded piece--.

In claim 1, in line 11 after "housing part outer" inserted --peripheral--.

In claim 1, in line 12 before "functional surface" inserted --bellows receiving--.

In claim 1, in line 13 after "inner peripheral" inserted --surface--.

In claim 1, in line 14 after "inner peripheral surface" inserted --to form at

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least a part of a joint ball pivot bearing surface on said inside of said housing part--.

In claim 2, in line 3 before "a bellows seat" deleted "said functional surfaces include a bearing shell portion forming at least a part of a bearing shell surface on the inside of said housing part and" and replaced with --said bellows receiving functional surface includes--.

In claim 6, in line 1 after "according to claim" deleted "3" and replaced with --1--.

In claim 30, in line 10 after "a molded material part comprising" deleted "molded material" and replaced with --an integral single molded material part--.

In claim 30, in line 11 before "groove and molded" inserted --bellows receiving--.

In claim 30, in line 12 before "functional surface" inserted --bearing shell--.

In claim 30, in line 16 after "between said functional surface" deleted "with a groove and said" and replaced with --defining a groove and said bearing shell--.

Canceled claim 34.

In claim 35, in line 1 after "according to claim" deleted "34" and replaced with --30--.

In claim 36, in line 2 after "said inner" inserted --peripheral--.

In claim 36, in line 3 after "housing part outer" inserted --peripheral--.

In claim 36, in line 3 after "to form said groove" deleted "surface".

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In claim 37, in line 2 after "part is arranged on" deleted "said inner surface to form at least a part of a joint ball pivot bearing surface on said inside of said housing part and on said housing part outer" and replaced with --said housing part outer peripheral--.

In claim 38, in line 2 before "surface is covered" deleted "bottom end annular" and replaced with --opposite end edge--.

In claim 39, in line 2 after "said inner" inserted --peripheral--.

In claim 39, in line 4 after "part outer" inserted --peripheral--.

Canceled claim 40.

In claim 41, in line 10 before "molded on said housing part" deleted "molded material part" and replaced with --a molded material part comprising an integral single piece--.

In claim 41, in line 16 after "a radial direction" deleted opposite" and replaced with --between--.

In claim 41, in line 17 after "material covering said" deleted "opposite end" and replaced with --housing part inner surface--.

Canceled claim 47.

Canceled claim 50.

In claim 51, in line 1 after "accordance with claim" deleted "50" and replaced with --1--.

Canceled claims 52-54.

2. The following is an examiner's statement of reasons for allowance:

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As to claim 1, Schutt et al. (US 5,611,635) disclose the claimed ball-and-socket joint with the exception of wherein at least a part of the housing part being arranged, in a radial direction, between the outer molded material functional surface and the inner molded material functional surface.

As to claim 30, Schutt et al. disclose the claimed ball-and-socket joint with the exception of wherein at least a part of the housing part being arranged in a radial direction between the functional surface defining a groove and the bearing shell functional surface.

As to claim 41, Schutt et al. disclose the claimed ball-and-socket joint with the exception of wherein at least a part of the housing part being arranged in a radial direction between the groove and the molded material covering the housing part inner surface.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art to have modified the ball-and-socket joint as disclosed by Schutt et al. to have the above mentioned elemental features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MPF

08/29/06